

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MOHAMED FALL,	:	
	:	Case No. 1:15-cv-127
Plaintiff,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	Order Granting Defendants' Motion for
LA FITNESS, et al.,	:	Partial Summary Judgment. (Doc. 25.)
	:	
Defendants.	:	
	:	

This matter comes before the Court on Defendants' Motion for Partial Summary Judgment. (Doc. 25.) For the following reasons, the Motion is GRANTED.

Plaintiff alleges that Defendants violated Title II of the Civil Rights Act of 1964, 42 U.S.C. § 2000a et seq., by discriminating against him on the basis of race and/or religion in prohibiting Plaintiff from praying in the LA Fitness locker room. For relief, he seeks declaratory and injunctive relief, as well as monetary damages.

In the Motion for Partial Summary Judgment (Doc. 25), Defendants argue they are entitled to summary judgment on Plaintiff's claim for monetary damages. According to Defendants, the plain language of Title II of the Civil Rights Act limits the remedies available to Plaintiff to injunctive relief. On this basis, Defendants move for summary judgment with respect to Plaintiff's claim for monetary damages.

In response, Plaintiff acknowledges that monetary damages are not permitted in Title II actions. However, Plaintiff argues that he is not precluded from pursuing monetary damages in other claims arising from the allegations set forth in the First Amended Complaint. Plaintiff

indicates that he intends to move the Court for leave to amend the complaint to add additional claims for which monetary damages are available after conducting discovery.

Defendants' Motion for Partial Summary Judgment (Doc. 25) is GRANTED as to Plaintiff's request for monetary damages under Title II of the Civil Rights Act. As argued by Defendants, monetary damages are not recoverable in an action brought under Title II. *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400, 401–402 (1968) (“When a plaintiff brings an action under [Title II], he cannot recover damages.”); *Watson v. Fraternal Order of Eagles*, 915 F.2d 235, 241 (6th Cir. 1990) (“Title II only permits the issuance of an injunction and declaratory relief.”). If Plaintiff decides to pursue other claims after conducting discovery he may move the Court for leave to file a second amended complaint at that time.

IT IS SO ORDERED.

S/Susan J. Dlott
Susan J. Dlott, Judge
United States District Court